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January 12, 2006

**Control Number
ED-OIG/A04F0011**

Mrs. Kathy Cox
State Superintendent of Schools
Georgia Department of Education
2066 Twin Towers East
Atlanta, GA 30334

Dear Mrs. Kathy Cox:

This Final Audit Report, entitled *Audit of the Georgia Department of Education's Migrant Education Program*, presents the results of our audit. The objectives of our audit were to (1) review and determine the adequacy of the Georgia Department of Education's (GA DOE) re-investigation of the eligibility of migrant students served by the Two Rivers Migrant Education Agency (MEA); (2) determine whether the Migrant Education Program (MEP) funds allocated to the Marion County Board of Education for Two Rivers MEA were expended appropriately; and (3) determine the extent of GA DOE's monitoring of its MEP sub-grantees. Our review covered MEP operations and the Two Rivers re-investigation from September 1, 2003 through August 30, 2005.

BACKGROUND

The Migrant Education Program (MEP) is authorized under Part C of Title I of the Elementary and Secondary Education Act of 1965, as amended. Federal regulations define an MEP eligible migratory child as a child who is, or whose parent, spouse, or guardian is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, has moved from one school district to another, to obtain temporary or seasonal employment in agricultural or fishing work. The goal of the MEP is to ensure that all migrant students reach challenging academic standards that all children are expected to meet, and to prepare them for successful transition to postsecondary education or employment. Federal

MEP funds are allocated by formula to state education agencies, based on each state's per pupil expenditure for education and counts of eligible migratory children, aged 3 through 21, residing within the state.

Georgia's (GA) MEP authorized funding for award years 2002-2003 and 2003-2004 was \$8,873,820 and \$8,928,859 respectively. GA DOE reported a total of 23,765 students were eligible to participate in the Georgia MEP during award year 2002-2003, and 25,640 students in 2003-2004. Only a minimal level of MEP funds was retained at the GA DOE for state administration of the program (approximately one percent). The remainder of the funds was allocated to four fiscal agents, located throughout the state of Georgia. Three of the fiscal agents were Regional Education Service Agencies (RESA), and one fiscal agent is a County Board of Education. Each of the fiscal agents operated a Migrant Education Agency (MEA) that was responsible for carrying out MEP-funded services across multiple districts in its region. A breakdown of the fiscal agents, MEAs, and number of school districts served is presented in the chart below.

Fiscal Agent	Migrant Education Agency	Number of School Districts Served
First District RESA	Live Oak	38 in Eastern GA
Coastal Plains RESA	Southern Pine	22 in Southern GA
Marion County Board of Education	Two Rivers	46 in Southwestern GA
Pioneer RESA	Piedmont	74 in Northern GA

In April 2003, the U.S. Department of Education's (ED) Office of Migrant Education (OME) directed GA DOE to conduct an investigation of the Two Rivers MEA to determine whether it was recruiting/serving ineligible students. In response, GA DOE reported in June 2003 that there was no evidence to indicate that the Two Rivers MEA was recruiting/serving ineligible students. OME reviewed GA DOE's report and had serious concerns about the thoroughness and quality of the investigation and in January 2004 directed the GA DOE to re-investigate. In January 2005, GA DOE provided a brief summary of its re-investigation. OME found this response incomplete and uninformative and requested more information that was not provided by the GA DOE. In addition, in July 2004 OME requested all states to re-interview a state-wide sample of participants in the MEP to determine the accuracy of the state-wide 2003-2004 child counts. In response to the state-wide re-interviewing activity, GA DOE reported, in June 2005, a statewide ineligibility rate of 35 percent (and a 36 percent ineligibility rate in Two Rivers), based solely on face-to-face re-interviews conducted with those families from the random sample that could be located. We also noted that OME's most recent program review report on the Georgia Migrant Education Program, performed in 2004, identified areas of noncompliance and required corrective action. Our review focused on GA DOE's re-investigation of the Two Rivers MEA.

AUDIT RESULTS

We found that policies, procedures, and internal controls over Two Rivers Migrant Education Agency's (MEA) Migrant Education Program (MEP) expenditure process were adequate and it expended its MEP funds appropriately. However, we identified problems with GA DOE's 1) re-investigation of Two Rivers MEA student eligibility, and 2) administration and oversight of the MEP.

In its comments to the draft report, GA DOE concurred with all findings and recommendations directed at the state. GA DOE did not address recommendation 1.5 because it is directed to the Assistant Secretary for Elementary and Secondary Education and is therefore, beyond the control of GA DOE officials. In addition, GA DOE stated that it has already taken steps to implement the recommendations set forth in the report. The full text of auditee comments is included as an Attachment to the report.

Finding No. 1 – GA DOEs Re-investigation of Two Rivers MEA was Inadequate and its Report Sent to OME was Inaccurate

GA DOE did not adequately re-investigate the eligibility of migrant students served by the Two Rivers MEA. We found that GA DOE based its conclusions on an insufficient number of interviews; inadequate interview questions and/or procedures; and insufficient and/or inadequate notes documenting the interviews. We also found that the re-investigation methodology – interviews – produced inadequate information for GA DOE to base its conclusion that fraud was not a factor in the discrepancies in reporting student eligibility. In addition, GA DOE's report to OME contained inaccurate information. As a result, GA DOE and OME are still unaware of the full extent or reason for Two Rivers MEA enrolling and serving ineligible students; and OME does not have accurate and reliable information to use as a basis for assessing eligibility issues and determining what actions to take.

Insufficient Number of Interviews

MEP is a state-operated and state administered program, and it is the state's responsibility to ensure that MEP funds are used to identify, recruit, and provide services only to eligible migrant children. The state delegates its responsibility to local operating agencies used to assist the state in carrying out the MEP. Pursuant to 34 C.F.R. § 80.40(a), "Grantees are responsible for managing the day-to-day operations of grant and sub-grant supported activities. Grantees must monitor grant and sub-grant supported activities to assure compliance with applicable Federal requirements and that performance goals are being achieved."

Based on the criteria in § 80.40(a), OME instructed GA DOE to perform a re-investigation¹ of Two Rivers MEA (one of GA DOE's MEP sub-grantees), in order to determine whether the Two Rivers MEA deliberately recruited/served ineligible students in the MEP. OME wrote several letters to GA DOE providing specific instructions on the approach to be used for the re-

¹ The re-investigation was separate from OME's request for statewide re-interviews to determine the accuracy of the 2003-2004 child counts.

investigation. Our review showed that GA DOE did not follow OME's instructions. Specifically, OME--

- Provided sampling instructions, which specified that the number of re-interviews of migrant families should be large enough (300-350 families) to generalize a conclusion as to whether Two Rivers MEA was enrolling and serving ineligible migrant students. GA DOE agreed with the instructions in writing, however, it did not follow the instructions;
- Instructed GA DOE to broaden the investigation and determine the full extent of the problem, if GA DOE's re-interviews suggested a problem. GA DOE did not express whether or not it agreed with OME's instruction. GA DOE did not broaden the sample size and did not implement other/alternate procedures to address the identified problem; and
- Instructed GA DOE to determine whether fraud was involved in the recruitment of ineligible students. GA DOE maintains that it followed this instruction, but did not document the procedures or the results.

As part of the 2004 re-investigation, GA DOE attempted to locate and interview 164 families, from a universe of 3,893² students eligible to participate in the MEP through the Two Rivers MEA for the 2003-2004 program year. GA DOE was only able to locate and interview 50 of those families, which included 101 children.

The families GA DOE interviewed represented only 2.6 percent of the universe of Two Rivers MEA migrant students (101/3,893); and half of the 50 families it interviewed were ineligible (54 ineligible children). A sample of interviews consisting of only 2.6 percent of the universe was insufficient for GA DOE to project the amount of program ineligibility. In addition, GA DOE did not take any further steps to determine the full extent of ineligibility, or the reason that its re-investigation found ineligible children in the program as instructed in OME's letters. Therefore GA DOE should have known that the 2003-2004 migrant child counts it had submitted were incorrect and that, unless problems were identified and corrected, errors in those child counts might carry over into future years as well.

Inadequate Interview Questions and/or Procedures

We reviewed GA DOE's interview process and the notes from the May 2004 and August 2004 interviews of the migrant families for its re-investigation of the Two Rivers MEA. We found that the interview questions and procedures used for the August 2004 interviews were inadequate because the interviewers asked questions only about information relating to the last time the families had moved. In addition, the interviewers only asked whether they moved within the state of Georgia in the past 36 months, and whether they left their homes during the summer to find qualifying work.

Pursuant to 34 C.F.R. § 200.81(d), "Migratory child means a child who is, or whose parent, spouse, or guardian is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such

² We obtained this information from GA DOE's investigative sampling plan. The information on the sampling plan came from the COEStar System, which maintains information relating to the families enrolled in Georgia's MEP.

parent, spouse, guardian in order to obtain, temporary or seasonal employment in agricultural or fishing work-- (1) Has moved from one school district to another..."

The interviewers should have asked questions relating to the requirements for MEP eligibility. Specifically, the interview should have included questions about all of the families' moves for the past 36 months, and moves across state lines. We also found that, for some interviews, the interviewers did not ask the families when they moved, from what location, to what location, and for what activity. GA DOE officials stated that they believe the questions for the investigation were sufficient to determine eligibility; and corrective actions implemented as a result of its re-investigation should protect the integrity of future recruiting practices.

Insufficient and/or Inadequate Notes Documenting Interviews

In a May 2005 letter to OME, GA DOE reported the results of its re-investigation. The letter stated that the number of children in the families interviewed or had moved totaled 240 children, and that GA DOE determined 54 of the children to be ineligible for the MEP.

Through our analysis of GA DOE's re-investigation documentation, we learned that GA DOE interviewed 50 migrant families (which includes 101 children), and found 25 families (47 children) to be eligible for the MEP and 25 families (54 children) to be ineligible. However, during our review of the migrant family interview notes, we found that the interviews did not always contain enough information to support GA DOE's conclusions on eligibility. Specifically, we could not determine whether 5 families (which include 11 children) out of the 25 that GA DOE determined to be **eligible**, were actually eligible. We also could not determine whether 2 families (which include 3 children) out of the 25 that GA DOE determined to be **ineligible**, were actually ineligible. For these seven families it was not clear from the interview notes, the location where the families moved to or from, nor was it clear whether the work they sought or obtained was a qualifying activity.

Inadequate Information About Whether Fraud was a Factor in Discrepancies

In its report to OME, GA DOE concluded that fraud was not a factor in the inconsistencies in reporting student eligibility. However, we found no documentation to indicate that migrant families were asked questions that would enable GA DOE to obtain evidence of fraud in the inconsistent reports of eligibility. For example, GA DOE did not document whether the families interviewed were asked if they--

- Had met with the recruiters who recruited them.
- Had known their children were part of the MEP.
- Were aware of the requirements to participate in the MEP.
- Had known their children were found to be migrant and receiving MEP services even though they knew they were not eligible.

Although GA DOE stated that it also conducted interviews with recruiters and other Two Rivers MEA staff in order to determine whether fraud was a factor in the recruitment of ineligible students, it did not document the interviews.

Inaccuracies in GA DOE's Report to OME

OME required GA DOE to prepare a report documenting the results of its re-investigation of Two Rivers MEA's student eligibility in the MEP. GA DOE's letter, dated January 14, 2005, reporting the results of the Two Rivers investigation contained inaccurate and unsupported statements. Specifically, GA DOE over reported the number of families interviewed and reported that 48 additional families had moved and could not be located for interview. As a result of the inaccurate information, OME could not determine the full magnitude of the discrepancies in Georgia's reports of MEP student eligibility.

GA DOE reported to OME that it interviewed 174 migrant families. However, GA DOE only had documentation to support that it attempted to locate 164 migrant families; and only 50 of those 164 families were actually located and interviewed. Officials at GA DOE explained that it attempted to locate and interview the remaining 124 families (174 families reported as interviewed less the 50 families interviewed), but 1) someone at the addresses informed them that the families did not live there anymore, 2) the family was not at home, or 3) someone in the neighborhood told them that the address did not exist. In addition, GA DOE could not provide evidence supporting any attempt to locate 10 of the 174 families. GA DOE classified and reported to OME that all 124 families were interviewed based on its attempt to locate and interview. GA DOE officials stated that they decided not to base the reporting of the re-investigation results solely on face-to-face interviews.

Aside from the 174 families discussed above, GA DOE reported that it determined that an additional 48 families had moved and could not be interviewed. GA DOE did not have any documentation to support its attempt to locate and interview these families, which it reported to OME as having moved. Therefore, GA DOE could not provide us with any information to verify that the 48 families had moved.

RECOMMENDATIONS

We recommend that the Assistant Secretary for Elementary and Secondary Education require GA DOE to--

- 1.1 Identify all MEP students served by Two Rivers MEA whose eligibility was not determined in the investigation and determine their eligibility status through the re-sign process.³
- 1.2 Determine if the GA DOE needs to refund any MEP funds as a result of the ineligible students identified. If so, GA DOE should make the appropriate refunds for the newly identified ineligible students, as well as those ineligible students identified during the Two Rivers investigation and the students without adequate documentation to support GA DOE's conclusion of eligibility.

³ Once a year, MEP recruiters revisit MEP families to complete a form, or re-sign, that will determine whether the families are still eligible to participate in the program.

- 1.3 Report to OME the correct total number of migrant children in the families interviewed during the Two Rivers re-investigation and the total number of those children found to be ineligible.
- 1.4 Annually check on continued residence and eligibility of migrant children.

In addition, we recommend that the Assistant Secretary for Elementary and Secondary Education

- 1.5 Determine whether any sanctions should be brought against GA DOE for inaccurate and unsupported statements made in its report to OME.

Finding No. 2 – Administration and Oversight of GA DOE’s MEP Needs Improvement

GA DOE did not adequately administer the MEP to ensure that the MEP was properly implemented. We found that GA DOE’s sub-grantees were not monitored, and Two Rivers MEA’s MEP funds were not audited for fiscal years 2002 and 2003.

GA DOE’s MEP Sub-grantees Not Monitored

During our review of GA DOE’s administration of the MEP, we found that – as already noted in OME’s most recent monitoring report – the GA DOE could not provide evidence of monitoring activities it performed on its MEP sub-grantees prior to 2005. Without having adequately monitored the sub-grantees, GA DOE could not be assured that the sub-grantees were complying with applicable federal requirements.

Pursuant to 34 C.F.R. § 80.40(a), “Grantees are responsible for managing the day-to-day operations of grant and sub-grant supported activities. Grantees must monitor grant and sub-grant supported activities to assure compliance with applicable Federal requirements and that performance goals are being achieved.”

According to the GA DOE’s Title I Director, the former MEP Coordinator was planning to make on-site monitoring/oversight visits in the Spring of 2004. However, the GA DOE presented no evidence that the former MEP Coordinator performed any monitoring activities in the Spring 2004. The Director of the GA DOE’s Innovative Academic Programs said that in of 2005, she visited Georgia’s MEAs and interviewed and informed staff about the upcoming re-organization of the MEP.

According to the Title I Director, the Director of Innovative Academic Programs, and GA DOE’s Superintendent, GA DOE has hired new staff to coordinate and monitor Georgia’s MEP to address its monitoring problems and MEP ineligibility defect rate. GA DOE has brought all MEP program and fiscal responsibility back to the State Education Agency (SEA) and is in the process of developing a monitoring plan.

Two Rivers MEA MEP Funds Not Audited

Marion County Board of Education failed to have its MEP funds audited for fiscal years 2002 and 2003 as required by federal audit requirements.⁴ Consequently, both GA DOE and Marion County Board of Education are not in compliance with federal audit requirements for those two years. Without an audit, GA DOE could not determine whether the funds were spent in accordance with applicable laws for those fiscal years.

Pursuant to 34 C.F.R. § 80.26, “(a) Grantees and sub-grantees are responsible for obtaining audits in accordance with the Single Audit Act... (b) State or local governments...shall (1) Determine whether State or local sub-grantees have met the audit requirements of the Act...(2) Determine whether the sub-grantee spent Federal assistance funds provided in accordance with applicable laws and regulations...” Single Audit requirements are contained in OMB Circular A-133.

Marion County Board of Education was the fiscal agent for the Two Rivers MEA, and as such was responsible for receiving and expending MEP funds on behalf of Two Rivers MEA as an MEP sub-grantee of GA DOE. However, it did not have MEP funds audited under the Single Audit Act (A-133) for fiscal years 2002 and 2003. Marion County Board of Education is an MEP sub-grantee of GA DOE. The Board acts as the fiscal agent for Two Rivers MEA. For fiscal years 2002 and 2003, Marion County Board of Education received and expended (on behalf of Two Rivers MEA) \$1,571,767 and \$1,784,517 respectively, in MEP funds. However, Marion County Board of Education did not include these MEP funds on its Schedule of Federal Expenditures for the FY 2002 and FY 2003 A-133 audits, and, therefore, the funds were not audited. The Georgia Department of Audits caught this error and corrected it for the FY 2004 A-133 audit.

According to the GA Department of Audits - Supervisor for Federal Audit Requirements, there was a misunderstanding of fiscal responsibility on behalf of Marion County Board of Education. The Marion County Board of Education did not know it had to report the expenditure of the MEP funds and have the MEP funds audited, even though it received and expended the funds on behalf of Two Rivers MEA.

RECOMMENDATIONS

We recommend that the Assistant Secretary for the Office of Elementary and Secondary Education require GA DOE to--

- 2.1 Design and implement a formal monitoring process to ensure compliance with program requirements and A-133 audit requirements and submit the process and findings to OME.

⁴ 2001-02 was the first year that Marion County received MEP funds on behalf of Two Rivers. The county was audited, but the Marion County Board of Education did not include MEP funds on the Schedule of Federal Expenditures. Due to the amount of the funds received, Marion County’s MEP would have been considered a major program and would have been required to be audited. As for 2002-03, although Marion County’s MEP funds would have been considered a major program, we do not know if the funds would have been audited because the determination would have been based on whether there were any findings from the 2001-02 audit.

- 2.2 As part of its monitoring, review single audit reports for its sub-grantees to ensure that funds required to be audited are actually being audited.

OBJECTIVE, SCOPE, AND METHODOLOGY

The objectives of our audit were to (1) review and determine the adequacy of GA DOE's re-investigation of the eligibility of migrant students served by the Two Rivers MEA; (2) determine whether MEP funds allocated to Marion County Board of Education for Two Rivers MEA were expended appropriately; and (3) determine the extent of GA DOE's monitoring of its MEP sub-grantees.

The audit period for our review of GA DOE's re-investigation of Two Rivers MEA's student eligibility was from September 1, 2003, through May 30, 2005 – the program year re-investigated (September 1, 2003 through August 30, 2004) and the re-investigation (May 2004 through May 2005). The audit period for our review of Two Rivers MEA's MEP expenditures was for fiscal year 2002-2003 (July 1, 2002 through June 30, 2003). The audit period for our review of GA DOE's monitoring of its MEP sub-grantees was for program years 2003-2004 through the current program year 2004-2005 (September 1, 2003 through August 30, 2005).

To determine the adequacy of GA DOE's re-investigation of Two Rivers we interviewed Marion County Board of Education, Two Rivers MEA, and GA DOE personnel; reviewed the interview notes and supporting documentation of the 50 migrant families interviewed for purposes of the Two Rivers re-investigation; and reviewed reports that GA DOE sent to the Office of Migrant Education (OME), explaining the results of the re-investigation of Two Rivers MEA

To determine whether MEP funds allocated to Marion County Board of Education (BOE) for Two Rivers MEA were expended appropriately, we

- Interviewed Marion County BOE and Two Rivers MEA personnel to verify the MEP expenditure process.
- Reviewed Two Rivers MEA's written policies and procedures relating to the MEP expenditure process.
- Reviewed accounting records for fiscal year 2002-2003 to determine how much MEP funds were received for Two Rivers, how much was expended, and the whereabouts of any leftover funds.
- Sampled MEP expenditures for fiscal year 2002-2003. In our sampling process we excluded payroll expenses, journal entries, and MEP expenditures under \$100. Of the remaining 490 MEP expenditures, we randomly selected a sample of 50 expenditures to review.
- Sampled MEP inventory for fiscal year 2002-2003. In our sampling process we obtained a list of 26 inventory items located at Two Rivers MEA, purchased with MEP funds, and randomly selected 13 of the items to locate.
- Performed a payroll review for fiscal year 2004-05 for Two Rivers MEA staff and MEP recruiters/paraprofessionals serving in the Two Rivers MEA region. We randomly selected 11 out of 42 MEP employees associated with Two Rivers MEA, then randomly

selected 3 of 12 months pertaining to the 2004-05 fiscal year (November 2004, March 2005, April 2005), and reviewed payroll for the 11 MEP employees for the three selected months.

To determine the extent of GA DOE's monitoring of its MEP sub-grantees, we interviewed GA DOE personnel and the former MEP Coordinator, and reviewed GA DOE's written policies and procedures relating to the MEP and monitoring.

During the audit, we relied on Certificates of Eligibility (COEs) generated from the COEStar System, which houses information relating to the migrant families enrolled in the MEP for the state of Georgia. To ensure that information in the COEStar System accurately reflects information from data entry forms (source of COEStar System data), we randomly sampled COEs in COEStar and compared the information to source documentation (data entry forms). Based on the results of our sample we determined that the information on the COEs from COEStar were sufficiently reliable to use in meeting our audit objective. In addition, we were given a list of students whose student school history information was removed from COEStar due to MEP eligibility issues according to GA DOE officials. We selected a random sample of these students and determined whether their student school history information was actually removed from COEStar. Our review assured us that that for those students that GA DOE identified as ineligible for the MEP, their eligibility status was updated in COEStar.

We performed on-site audit work in July 2005 at GA DOE in Atlanta, GA, Two Rivers MEA in Buena Vista, GA, and Marion County Board of Education also located in Buena Vista, GA. An exit conference was held with GA DOE officials on October 14, 2005. The audit was performed in accordance with generally accepted government auditing standards appropriate to the scope of the review described above.

ADMINISTRATIVE MATTERS

Statements that managerial practices need improvements, as well as other conclusions and recommendations in this report, represent the opinions of the Office of Inspector General. Determinations of corrective action to be taken will be made by the appropriate Department of Education officials.

If you have any additional comments or information that you believe may have a bearing on the resolution of this audit, you should send them directly to the following Education Department official, who will consider them before taking final Departmental action on this audit:

Henry Johnson
Assistant Secretary
Office of Elementary and Secondary Education
U.S. Department of Education
600 Independence Ave., SW
Washington, D.C. 20202-6100

It is the policy of the U. S. Department of Education to expedite the resolution of audits by initiating timely action on the findings and recommendations contained therein. Therefore, receipt of your comments within 30 days would be appreciated.

In accordance with the Freedom of Information Act (5 U.S.C. §552), reports issued by the Office of Inspector General are available to members of the press and general public to the extent information contained therein is not subject to exemptions in the Act.

Sincerely,

/s/

Denise M. Wempe
Regional Inspector General for Audit

Attachment

December 6, 2005

Control Number
ED-OIG/A04-F0011

Ms. Denise M. Wempe
Regional Inspector General for Audit
U.S. Department of Education
Office of Inspector General
61 Forsyth Street, Room 18T71
Atlanta, Georgia 30303

Dear Ms. Wempe:

Attached is the Georgia Department of Education's response to the draft audit report dated November 9, 2005, Audit of the Georgia Department of Education's Migrant Education Program (MEP). Audit coverage included MEP operations and the Two Rivers re-investigation from September 1, 2003 through August 30, 2005.

If you have questions regarding our response, please contact Mr. Craig Geers at cgeers@doe.k12.ga.us.

Yours truly,

Kathy Cox

KC/cg

Attachment

Cc: Ida H. Love, Ph.D., Deputy Superintendent
Ms. Elizabeth Webb, Director, Innovative Academic Programs
Mr. Craig Geers, Program Specialist, Migrant Education Program
Jeff Gagne, Ph.D., Federal Policy Analyst

Office of Inspector General Draft Audit Report
of the Georgia Department of Education's
Migrant Education Program (MEP)

Control Number ED-OIG/A04-F0011

State Education Agency Response to Findings and Recommendations

The Georgia Department of Education (GA DOE) submits the following written comments in response to the findings and recommendations as set forth in the Office of Inspector General's (OIG) Draft Audit of the Georgia Department of Education's Migrant Education Program.

Finding No. 1 – GA DOE's Re-Investigation of Two Rivers MEA was Inadequate and its Report was Inaccurate

OIG RECOMMENDATIONS

- 1.1** Identify all MEP students served by Two Rivers MEA that were not included in the investigation, determine their eligibility status through the re-sign process, and determine if there should be any refunds to the Department of Education related to the ineligible students identified. If so, GA DOE should make the appropriate refunds for the newly identified ineligible students, as well as those ineligible students identified during the Two Rivers investigation and the 11 students without adequate documentation to support GA DOE's conclusion of eligibility.

State Response:

We concur with Finding No. 1 and recommendation 1.1. Corrective action was taken to determine the eligibility status of all MEP students served by Two Rivers MEA who were not already removed from program eligibility as a result of the re-interviews conducted between May 2004 and May 2005. The state plans to comply with the Office of Migrant Education's (OME) future determinations regarding the appropriate reimbursement of funds associated with the misidentification of students for program eligibility as determined through the national Re-Interview Initiative.

- (a) Beginning on August 10, 2005, the Two Rivers regional office staff and trained MEP funded local system recruiters began to re-interview every MEP eligible family/student not included in either (a.) the initial Two Rivers investigation or (b.) the state's effort to comply with the OME's Re-Interview Initiative request. The recent re-interviews were conducted in association with the program's annual re-sign process and included modified eligibility re-interview questions similar to those recommended by OME officials in their August, 2004 guidance (attachment 1). The task was completed for the entire Two Rivers region in early November and all newly-identified ineligible students in the region have been removed from MEP eligibility rosters (attachment 2). The Georgia MEP is currently working with the local systems in the Two Rivers service region to remove the eligibility coding and discontinue MEP funded services for all misidentified students (attachment 3).

Parents and guardians of misidentified students are being notified in writing through correspondence generated at the Two Rivers MEA office (attachment 4).

- (b) The GA DOE complied with the OME's national request to conduct a statewide re-interview initiative to determine the accuracy of eligibility determinations of a random sample of 378 students from its 2003-2004 child count. The preliminary outcome of that initiative was submitted to OME officials in June, 2005, with a request made to re-evaluate six cases in July, 2005. The outcome of the six re-evaluations was determined in September, 2005, and formal notification of the results is currently being drafted by GA DOE program administrators along with the results of the state's full re-sign/re-interview project. The state has committed to submitting eligible child count information to the OME by March 1, 2006. All OME requests for reimbursement of unearned allocated funds will be honored by GA DOE officials pending future directives from the OME.

- 1.2** Report to OME the correct number of migrant families interviewed during the re-investigation.

State Response:

We concur with recommendation 1.2, and the GA DOE can report that it included in its investigation only families whom it could verify actually lived or had lived at the address listed on the Certificate of Eligibility. The GA DOE concurs that it did not base the count solely on face-to-face re-interviews, nor did it follow the procedures outlined in the notice dated July 2004 to SEAs from the OME regarding the national re-interviewing initiative. That process did not allow the SEA to count any children or self-eligible youth from the random sample who could not be located during the re-interview process. To do so meant that families or self-eligible youth could not be counted simply because they were no longer in residence to re-interview.

Of the families re-interviewed during the investigation, 54 children were identified as ineligible and were removed from the MEP eligible roster in the spring of 2005. The GA DOE has re-interviewed every remaining family on the Two Rivers 2004-2005 eligibility roster and identified all remaining ineligible students through the re-sign period, August 2005 through November 2005. Of the families interviewed during the re-sign period, 557 children were removed from the MEP eligible roster in the Two Rivers MEA.

- 1.3** Annually check on continued residence and eligibility of migrant children.

State Response:

We concur with recommendation 1.3.

- (a) The GA DOE, as an integral component of its MEP accountability and reporting process, has annually conducted re-signs to check on eligible students' continued residency. During the re-sign process, which occurs at the beginning of each new school year, all eligible student information and

continued residency is verified through parent/guardian contact and is then updated in the MEP data system. As previously noted, this year's re-sign process also included a full, formal re-interview with each parent or guardian to determine the accuracy of each student's current eligibility determination. The re-sign process, verifying all eligible student information and continued residency, will continue to be a part of the GA DOE's accountability and reporting efforts.

- (b) All future eligibility monitoring and verification requirements will be ongoing and not limited to a single annual accountability check as was done from August to November of this year. The GA DOE has prepared, and has in place for implementation, a monthly random sample re-interview process of newly-identified students to verify the accuracy of eligibility determinations made within the proceeding four weeks in each of the four service regions. Because of the magnitude and scale of the recently completed re-interview process, the first of these random samples was rescheduled from September to January. January's random sample will be pulled in each region from all newly-identified students enrolled in the MEP from August 1 through December 31, 2005. Each random sample thereafter will pull only from the previous month's newly-identified and enrolled students. Additionally, the state will conduct a full, statewide random sample of eligibility determinations, similar to the recently completed OME re-interview initiative, to be conducted every three years. The next such statewide review will occur during the 2007-2008 school year.
- (c) The errors leading to the misidentification of students for MEP eligibility in Georgia were the result of a lack of quality control processes, including a lack of meaningful monitoring and uniform recruiter training practices. The state has taken significant steps to ensure that the identified areas of non-compliance that led to the misidentification of students are corrected and avoided in all future identification and recruitment (ID & R) efforts. Significant improvements were realized with the return of direct control of the program to GA DOE officials on September 1, 2005. A new GA DOE recruiter training and certification program is under way that reflects the eligibility guidelines currently established in the OME's Draft Non-Regulatory Guidance of October, 2003. Monthly meetings are being run to meet with all full-time GA DOE recruiters to review and ensure adherence to the state's revised recruiting policies, guidelines, and practices. Difficult and challenging recruitment cases are being shared and discussed at the monthly meetings, and there is a concentrated effort under way to involve all staff in contributing to the quality control process of identification and recruitment. Local system MEP-funded recruiting personnel are also receiving GA DOE developed recruitment training sessions as a key component of their regularly scheduled meetings with regional GA DOE MEP personnel. Full time GA DOE recruiters are delivering these training sessions to ensure the delivery of consistent information and expectations.

- 1.4 Determine whether any sanctions should be brought against GA DOE for inaccurate and unsupported statements made in its report to OME.

State Response:

This recommendation is made to the Assistant Secretary for Elementary and Secondary Education and is therefore beyond the control of GA DOE officials.

Finding No. 2 – Administration and Oversight of GA DOE’s MEP Needs Improvement

OIG RECOMMENDATIONS

- 2.1** Design and implement a formal monitoring process to ensure compliance with the program requirements.

State Response:

We concur with Finding No. 2 and recommendation 2.1. The Georgia Department of Education is currently designing a state wide service delivery plan for the implementation of its MEP that reflects the significant operational changes brought about by the return of direct MEP control to the GA DOE on September 1, 2005. Future year allocations of federal Title I, Part C funds will be made by the GA DOE directly to local school systems using a soon-to-be developed funding formula that will be a part of the new state wide service delivery plan targeted for use beginning in the 2006-2007 school year. Local systems will submit an application for approval for the use of allocated funds through the GA DOE’s consolidated application process. Remaining program funds used to provide services to eligible 3 through 21 year olds not currently enrolled in school will be maintained and administered by the GA DOE and its regional MEP support staff. A collaborative approach to monitoring the state’s MEP is also being designed for implementation in the 2006-2007 school year to ensure compliance with federal MEP monitoring requirements.

- (a) The state’s Title I, Part C MEP will be joining Title I, Part A and D, Title V, Part A and Title VI, Part B (where applicable) in monitoring local systems’ implementation of federal programs beginning in the 2006-2007 school year. The monitoring of grantees receiving funds from the other federal programs will begin in January, 2006. The Georgia MEP will be adding its monitoring requirements to the established monitoring process over the course of the next six months and will cover all required program monitoring elements contained in the OME’s Draft Non-Regulatory Guidance of October, 2003.

- 2.2** As part of its monitoring, review single audit reports for its sub-grantees to ensure that funds required to be audited are actually being audited.

State Response:

We concur with recommendation 2.2. Steps will be taken by GA DOE officials to include, as part of the subgrantee monitoring, requirements to ensure that MEP funds are included as part of the A-133 audit. The procedures will require GA DOE monitoring personnel to obtain from the subgrantees their A-133 audits and to verify that MEP funds reported as expended were reflected in the Schedule of Federal Expenditures and were, in fact, subject to an audit in accordance with A-133.

ATTACHMENT NUMBER 1

Verifying Program Eligibility

- a. Have you/Has your family, or part of your family, moved during the past three years, even for just a short period of time? Yes No

Notes (give dates): _____

- b. If yes, Did you move for work or to seek work? In what? (interviewer may need to ask additional questions to determine whether the work was temporary or seasonal work in agriculture or fishing)

Notes (state reason for move and type of work): _____

- c. Which family members moved?

- d. Did/Does this work play an important role in sustaining your family, i.e. food, rent, power, health care, clothing? Yes No

Parent/Guardian/Self Eligible Youth Signature: _____

Date:

ATTACHMENT NUMBER 2

DISTRICT	P0-P2 (Reg. Year)	P3-22 (Reg. Year)	P3-22 (Summer)	TOTAL
Bibb	1	1		2
Bleckley		1		1
Butts		1		1
Crisp		5		5
Decatur	2	33		36
Dooly	3	45		51
Dougherty		8		8
Grady	5	88	39	107
Harris		2		2
Houston	3	43		46
Lamar		1		1
Marion	1	17		19
Mitchell	1	12		13
Muscogee		70		70
Peach	9	138	4	154
Pulaski		4		4
Schley	1	9		11
Sumter		10		11
Taylor	1			1
Thomaston-Upson		3		3
Troup	1	1		2
Webster		7		7
Worth		2		2
	28	501	43	557

Note: No MEP funding was earned for the 28 P0-P2 children

ATTACHMENT NUMBER 3



Migrant Education Program

Kathy Cox, State Superintendent of Schools

October 5, 2005

MEMORANDUM

TO: District Level Migrant Education Program Contacts
FROM: Craig M. Geers, Program Specialist
Migrant and Refugee Education Programs
SUBJECT: Migrant Education Program Eligibility

As you are aware, at the beginning of the school year the Georgia Department of Education undertook the important task of verifying the eligibility of all students enrolled in its Title I, Part C Migrant Education Program (MEP) throughout the state. The process was necessary to ensure that federal funds are properly earned and used to serve only eligible migrant students. We are pleased to report that the verification process for the students in your district has been completed.

Accompanying this memo you will find two important documents, one of which requires your immediate action and attention. The documents are:

1. An *Ineligible Student Report* of students in your district who were misidentified as eligible to receive MEP supplemental services. These students are not to be served with MEP funded supplemental services, even if such services may have already begun for the 2005-2006 school year. Parents and guardians are being notified of Program eligibility changes directly by Department of Education Title I, Part C Program staff.

REQUIRED ACTION:

- Each of these students must immediately have the *Migrant* status coding removed from the district's Student Information System for the current year.
- For our Program accountability records, the date that the *Migrant* status coding was removed from the district's Student Information System database must be noted for each student along with the staff person's contact information who removed the status coding. This information should be recorded on the far right of each student's information line, directly on the report.
- **The original *Ineligible Student Report*, along with a corrected district generated *Migrant Student Current Enrollment Report* must be sent to the DOE Migrant Program State Data Coordinator within two weeks of receipt of this memo. The address is:**
Susan Stone, State Data Coordinator
Georgia Department of Education, Migrant Education Program
221 North Robinson Street
Lenox, GA 31637

An Equal Opportunity Employer

ATTACHMENT NUMBER 3 CONTINUED

Memo: District Level Migrant Education Program Contacts
Page Two
October 5, 2005

2. A MEP generated *Current Enrollment Report* of students in your district verified to be eligible to receive the MEP's supplemental services this school year. Alongside each student's name, you will find his/her FTE number if available, the COEstar ID number, DOB, grade, and current end of eligibility (EOE) date. These students are eligible to be served with MEP funded supplemental services until they reach EOE or make another qualifying move. **The district generated Migrant Student Current Enrollment Report, requested to be submitted in item 1, must match the MEP's Current Enrollment Report exactly prior to being sent to the DOE Migrant Program State Data Coordinator.**

For the staff at the Department's regional Migrant Education Agency (MEA) offices, the next important task will be to establish a roster of the eligible students in your district who are designated as having "Priority for Services" (PFS). This designation is a required component of the federal statute governing the use of MEP funds. Section 1304(d) of the statute gives priority for services to migrant children: (1) who are failing, or most at risk of failing, to meet the State's challenging State academic content standards and challenging State student academic achievement standards, *and* (2) whose education has been interrupted during the regular school year. The Georgia MEP may serve children who do not meet the "priority for services" criteria so long as it serves children who meet the criteria first. The MEA staff will be gathering data to determine PFS through the use of the MEP's Student Needs Assessment Form (SNAF). I ask that you join them in seeing that the SNAF forms for your eligible students are completed and returned quickly. **No services will be provided for students without a current year SNAF on file with the MEP.**

Thank you very much for your understanding and cooperation as Georgia's MEP is brought back into compliance with federal regulations. We have made a significant step forward by taking the time to ensure that only eligible students are served from this point forward in the Program. Throughout the course of the year, the MEA coordinator serving your district and his or her staff will be working closely with you and your MEP funded staff to further meet remaining Program compliance regulations.

The regional MEA offices, now direct Department of Education entities, are still located in the same facilities and continue to have the same contact numbers. I have asked all new MEA coordinators to contact the districts and schools within their assigned service areas to introduce themselves and to make themselves available to answer questions and share upcoming initiatives aimed at improving the identification, recruitment, and academic achievement of your eligible migrant students.

ATTACHMENT NUMBER 4

(000) 000-0000 Fax (000) 000-0000

January 12, 2006

[Click **here** and type recipient's name]
[Click **here** and type recipient's address]
[Click **here** and type recipient's address]

Dear :

A representative from the Georgia Migrant Education Program recently visited you and/or your family to update and confirm the Migrant Education Program eligibility information currently on file for you and/or your child(ren) in the **YOUR** Migrant Education Agency office. A photocopy of the form that was completed and signed during the visit is enclosed. Please keep it for your records.

Based on answers to the questions about your/your family's work and travel, it was determined that you and/or your child(ren) are no longer eligible for services in the Migrant Education Program. You/your child(ren) are no longer eligible because:

- there has been no move or travel in the past three years for the primary purpose of obtaining/seeking seasonal/temporary work in agriculture/fishing.
- most recent documented move or travel was not for the primary purpose of seeking/obtaining seasonal/temporary work in agriculture/fishing.
- Other: _____

Thank you for allowing the representative the opportunity to visit you and/or your family and to review your Migrant Education Program eligibility information. If you have questions or concerns, please contact the **YOUR** Migrant Education Agency at 1-800-**000-0000**.

Sincerely,

YOUR NAME
Coordinator, **YOUR** Migrant Education Agency

Enclosure
cc: Local system school